

May 15, 2012

Michael Schares, Mayor
305 W. Williams St.
Dunkerton, IA 50626

Mayor Schares,

I am enclosing a copy of a bill I paid to my attorney due to having to subpoena records that I requested from Chief Schultz. The records were open records per chapter 22 of the Iowa Code. I first asked for the records in February with no response from Chief Schultz. After numerous attempts to receive the information I had my Attorney subpoena the information.

Iowa Code allows the public access to public records and I should not have had to pay my Attorney to subpoena this information. I am asking the city to reimburse me the cost for legal fees to obtain the information I requested. I have enclosed a copy of my bill and the amount pertaining to the subpoena is \$172.35.

Thank you for your assistance and please call me at [REDACTED] if you have any questions.

Sincerely,



Teresa Adamson

Cc Carter Stevens
Ed Jessen, Mayor Pro-tem
City Hall

RECEIVED

MAY 16 2012

CITY OF DUNKERTON

Anfinson & Luce, P.L.C.726 West Fourth Street
Waterloo, Iowa 50702

Ph:(319) 235-9507

Fax:(319) 233-8041

Teresa & Tom Adamson


May 10, 2012

Attention:

File #: 12-301

Inv #: 56695

RE: Traffic Matter in Dunkerton

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
May-01-12	Prepared subpoena for radar records	0.30	60.00	T
May-04-12	Telephone call with chief	0.20	40.00	T
May-09-12	Review rest of documents for hearing	0.60	120.00	T
	Appeared at court for hearing	1.50	300.00	T
Totals		2.60	\$520.00	

DISBURSEMENTS

	Disbursements	Receipts
May-03-12 Fee for service of subpoena to Chief of Police	72.35	
Totals	\$72.35	\$0.00

347.65

25-15-12

\$172.35

33% of Bill

CITY OF DUNKERTON
POLICIES AND PROCEDURES
FOR EXAMINATION OF PUBLIC RECORDS

GENERAL POLICY:

It is the policy of the City of Dunkerton to meet all requests for information and documents within the constraints of Iowa Code Chapter 22. The purpose of this policy is to appoint custodians of the records and fix fees for public examination and photo copying and to prevent the interference with an orderly office routine.

Persons seeking public records within control of the City of Dunkerton may examine such records under supervision of the Custodian of the Records. Examination of records shall take place at City Hall, the Library, or the Police Station during regular office hours.

PROVISIONS:

1. This policy is not intended to preclude verbal responses to routine requests for information.
2. The City Clerk, Police Chief, and Librarian are the lawful custodians of public records kept by that department. The Police Chief shall be responsible for all police records, the Librarian shall be responsible for all library records, and the City Clerk shall be responsible for all other records pertaining to the city.
3. Rates for copies and research:
 - a. Photocopies .25 per page
 - b. Hourly rate for professional staff time needed to produce or review the records Hourly wage of custodian in charge of the record (prorated to the nearest 15 minutes)
 - c. There shall be no charge for supervision of city records for the first 30 minutes. Supervision charges after the first 30 minutes shall be at the City Clerk's hourly wage.
departments outside the City Hall shall collect the fee, provide a receipt, and remit the money to City Hall at least weekly.
4. All requests for public records should be filled in a timely manner. However, responses to such request shall not interfere with the performance of essential services and may be delayed as reasonably necessary depending on the scope of the request and personnel availability.
5. The Custodian may notify the requesting party if a request for records may require an extensive search or specially programmed computer time of the

anticipated costs and require a deposit in advance. Upon completion of the request the Clerk shall refund any excess fees collected.

6. This policy does not cover departmental records which are subject to a specific departmental policy and fee schedule.
7. Exceptions. The foregoing policies and procedures shall not be applicable to public records access requests by officers, employees, or agents of the City, or any other governmental entity, to records by subpoena, or to records required by law to be kept confidential. The custodian shall consult the City Attorney concerning requests for records that may be considered confidential records pursuant to Iowa Code Sec. 22.7. These requests include, but are not limited to: medical records, personnel records or employee related files, documents concerning litigation or claims, reports provided to government that may provide advantages to competitors, property appraisals concerning public projects, library patron records, and names and addresses of complainants. The City Attorney will inform the requesting party in writing of any denial of records due to confidentiality.
8. A public records request form may be filed out and signed by the requester. The request form must clearly state the items being requested. This will aid in giving an estimate of the cost for these records and in obtaining the proper records.

CITY OF DUNKERTON
PUBLIC RECORDS REQUEST FORM

Date: _____

Name: _____

Address: _____

Phone Number: _____

Records requested to be examined/copied (please be very specific): _____

Although the records you are requesting are deemed "public record" under Iowa Law, you are hereby advised that your use of this information must comply with local, state, and federal laws including but not limited to laws relating to privacy, harassment, discrimination, debt collection, libel, slander, and tort. Misuse of said information by you in violation of any law is exclusively your responsibility. The City of Dunkerton hereby denies any and all responsibility of how this information is used by you. If any third party makes a claim against the City of Dunkerton for misuse of this information attributable to you, the City of Dunkerton shall pursue all available legal remedies against you.

The undersigned acknowledges that he/she has read the above policy and understands and agrees to its terms.

Signature: _____ Date: _____

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Records Examination Supervision Fee: \$ _____

Records Retrieval Fee: \$ _____

Copy Fees: \$ _____

Postage & Handling Fees: \$ _____ (applicable rate for packaging & postage)

Date Paid: _____ Check [] # _____ Cash []

Staff Initials: _____